

REMARKS/ARGUMENTS

This paper is responsive to the non-final Office Action mailed February 2, 2007. Reconsideration and allowance are respectfully requested. No new matter is added.

Art-Based Rejections

- Claims 1, 4, 5, 15, 18, and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by WO 00/64150 to Bruck, et al. ("Bruck '150").
- Claims 2, 7-9, 12-14, 16, 17, 21, and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck '150 in view of U.S. Patent No. 5,880,731 to Liles, et al. ("Liles '731").
- Claims 3 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck '150 in view of U.S. Patent No. 7,036,083 to Zenith ("Zenith '083").
- Claims 2, 20, and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck '150 in view of Liles '731, and further in view of Zenith '083.
- Claims 2, 10, and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bruck '150 in view of Liles '731, and further in view of U.S. Patent No. 6,208,335 to Gordon, et al. ("Gordon '335").

It is noted that the Office Action states that independent claims 1 and 15 are also rejected under 35 U.S.C. § 103 as being unpatentable over Bruck '150 in view of various other references. However, it is clear from the remainder of the Office Action that these statements are erroneous, and that the rejections under 35 U.S.C. § 103 do not include claims 1 and 15. The Office Action makes it clear that the Examiner's position is that claims 1 and 15 are anticipated by Bruck '150 alone.

Applicants respectfully traverse all rejections in view of the amendments and remarks herein.

Independent Claim 1

Independent claim 1 as amended recites superimposing text from a text communication on top of a displayed graphical element of a background selected based on the theme of displayed television programming. For example, Figs. 3 and 4 of the present application show illustrative embodiments where a western movie is being displayed while a western-themed background is displayed with the superimposed text.

The Office Action asserts that Bruck '150 discloses this feature. Bruck '150 discloses displaying a user interface that is created from a template. Bruck '150, p. 18, lines 13-23. The Office Action asserts that the user interface is the background, and that text is superimposed over the user interface. Office Action, p. 2. However, in Bruck '150, the text is not superimposed over a displayed graphical element of the user interface.

Accordingly, it is submitted that claim 1 is allowable over Bruck '150.

Independent Claims 15, 24, 29, and 33

It is submitted that the remaining independent claims are also allowable over Bruck '150 for at least similar reasons as discussed above with regard to claim 1.

Dependent Claims

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

For example, claim 2 recites displaying, simultaneously with the text, an avatar image superimposed on top of the background. None of Bruck '150, Liles '731, Zenith '083, and Gordon '335, either alone or in any combination, teach or suggest an avatar image also superimposed over the selected background. Rather, in the proposed combination of Bruck '150 and Liles '731, at best the avatar would be displayed in a region separate from the background.

Conclusion

All rejections having been addressed, Applicants submit that the instant application is in condition for allowance, and respectfully solicit notification of the same. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: May 2, 2007

By: /Jordan N. Bodner/
Jordan N. Bodner
Reg. No. 42,338

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001